

OXFORD

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Could matters be more complicated? The titular Head of the University might appear to be the Chancellor with the Vice-Chancellor his or her deputy. It is Convocation that elects the Chancellor rather than Congregation which according to the Statutes is the supreme legislative body and elects the Vice-Chancellor. Thus, in an arrangement befitting the University that authored *Alice in Wonderland*,

the choice of our most senior official figure, the one person who most prominently represents us to the outside world, is chosen by our alumni rather than by the body of academics and students he or she is there to speak for.

Cambridge – like Oxford – is preparing to elect its own new Chancellor, and happens to have abolished its Nominations Committee for the Chancellorship earlier this year. And yet Oxford, for the first time, has just set up an equivalent committee. It is not surprising therefore that many commentators are not just confused but are wondering why Oxford seems, on the face of it, to be heading in precisely an opposite direction. The relevant issues and considerations are complex and difficult to pin down.

The Cambridge committee was set up as the result of specific, and embarrassing, circumstances in 1953 (see Notes from Cambridge below) and its primary role was apparently to ensure that one candidate could go forward in the event that no nominations had been received. But the reasons for its recent abolition are what should interest us in Oxford and these owe much to the persistent campaigning of one individual, Anthony Edwards, a figure well known to *Oxford Magazine* readers as the single-handed guarantor of proper governance in Cambridge. Professor Edwards argued that, in contrast to the situation in Oxford at the time, the Nominations Committee could in theory restrict the choice of candidates

CUTTING CONGREGATION OUT

according to its own criteria: a fully ‘democratic’ election system was preferable even if this meant that ‘joke’ candidates could appear on the voting list.

Oxford’s new Chancellor’s Nomination Committee, now in place and operational, is somewhat different from the abandoned Cambridge committee, but it raises similar concerns. The heavy hand of officialdom has now been introduced

into what was previously a straightforwardly democratic selection arrangement. The new committee has considerable discretion to determine the list of candidates based on its eligibility criteria. The committee is not elected by Congregation nor is it under any obligation to explain its decisions. In future, even less liberal, times the committee could theoretically end up doing much what Cambridge envisaged, forwarding the choice of one name to the electorate.

It is worrying enough that, as enquiries to Wellington Square make clear, we have not been told the full and final eligibility criteria that the new committee will apply, but most worrying of all is the way Congregation has been entirely left out of consideration. The establishment of the new committee, as suddenly announced in the *Gazette*, was a *fait accompli*. There was no advance notice of this important constitutional change. Opportunity to raise objections (either by members of Convocation, University staff or Congregation) was curtailed – irrespective of the effects of the multiply republished versions of the *Gazette* described by Dr Siller Farfán below – by the tight deadlines allowed for responses as well as by the fact that the Notice appeared after the end of Hilary Term when, for many, the Easter vacation was uppermost in their minds.

Council provided no information about the reasons for its reforms nor for the seemingly rushed way they were in-

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THE CHANCELLORSHIP ELECTION - THE ISSUES ARISING

...and much more

roduced. The reasons for reform may be cogent (e.g. the precedent of the earlier changes to the processes for Convocation's Election of the Professor of Poetry or concerns regarding possible requirements by the Charity Commission), but we have not been told. It is possible that the timing of Chris Patten's decision to retire as Chancellor meant that Council had to act as a matter of urgency, but we do not know when he first informed the Vice-Chancellor and Council of his intention. And even if time is short before the appointment of his successor an interregnum might be possible. For a constitutional change of this significance obscuring the processes involved simply undermines trust in the system. If we take the Chancellorship seriously then the details behind his or her appointment need to be taken seriously.

Convocation may seem a somewhat bizarre anachro-

nism, with minimal powers. But it happens to be a mechanism for extending the involvement and support of a wide 'public' as represented by our 350,000 alumni. All the more important then that it is seen as demonstrating the democratic principles to which the University holds firm.

There has been recently renewed hope that the University would be moving in the direction of openness, staff involvement and the promotion of democratic processes in all aspects of its governance and administration, but the way these reforms have been introduced, particularly in the way Congregation has been bypassed, illustrates the opposite. Let us hope that Convocation finds a new Chancellor who makes sure that none of this could happen again.

T.J.H

How to initiate Congregation actions

How to trigger a debate or discussion in Congregation

It is open to any 20 or more members of Congregation to propose a resolution or topic for discussion at a meeting of Congregation; requests must be made in writing to the Registrar not later than noon on the 22nd day before the relevant meeting. Any 2 or more members of Congregation can submit an amendment to, or announce an intention to vote against, a resolution or a legislative proposal (*i.e.* a proposal to amend the statutes). Notice must be given to the Registrar (in writing) not later than noon on the 8th day before the meeting.

Questions and replies

Any 2 or more members of Congregation may ask a question in Congregation about any matter concerning the policy or the administration of the University. Requests must be submitted to the Registrar (in writing) not later than noon on the 18th day before the Congregation meeting at which it is to be asked. The question and the reply (drafted by Council) will be published in *Gazette* in the week prior to the relevant meeting. The answer is also formally read out at the meeting. Supplementary questions are allowed.

Postal votes

Attendance at meetings of Congregation tends to be low. Postal voting can potentially allow opinion to be easily accessed more widely across Congregation membership. Congregation can trigger a postal vote after a debate (but not after a discussion or a question and reply where no vote is taken). 25 or more members of Congregation have to be present ("on the floor") at the relevant debate. The request must be made by 4pm on the 6th day after the debate, signed by 50 members of Congregation, in writing to the Registrar. Council can also decide to hold a postal ballot, by the same deadline.

Flysheets

To generate a flysheet for publication with the *Gazette*, the camera-ready copy (2 sides maximum) should be submitted with at least 10 signatures on an indemnity form (obtainable from the Registrar) by 10am on the Monday in the week in which publication is desired.

Regulations governing the conduct of business in Congregation can be found at: <http://www.admin.ox.ac.uk/statutes/regulations/529-122.shtml>

Items placed on the agenda for Congregation are published in the *Gazette*.

The Congregation website is at: www.admin.ox.ac.uk/councilsec/governance/congregation.

Advice on Congregation procedures is available from the Council Secretariat on request (email: congregation.meeting@admin.ox.ac.uk).

Notes from Cambridge

This "Notes from Cambridge" was originally published in Oxford Magazine, No.307, 0th Week, HT 2011 - eds

PRINCE Philip, Duke of Edinburgh, has given notice of his intention to resign as Cambridge's Chancellor with effect from 30 June, and the University has already set in motion the process of electing his successor¹. The Prince's tenure has been a long one, thirty-three years, but not as long as was managed in the eighteenth century when there were only three Chancellors from 1689 to 1811.

Under the Royal Statutes of Elizabeth I election was a simple matter. The Vice-Chancellor and Proctors were the scrutineers, and as each written vote was received the Senior Proctor read it out and the scrutineers counted it. The Vice-Chancellor declared the winner. But things did not always run smoothly. As Owen Chadwick related in his 1997 lecture *Prince Albert and the University*, when Dr Whewell, Master of Trinity, approached the Prince to fill the vacancy caused by the death in 1846 of the Duke of Northumberland, the Prince, aware of the candidacy of the Earl of Powis, declined. 'Whewell's committee nevertheless decided to record their votes for him in an election, hoping that, in this unequal struggle between a Prince Consort and a not eminent nobleman, the Powis supporters would be so contemptibly small an army that the Prince would afterwards accept what was not unanimous but could be said to be the strong wish of a large majority of the university'.

Voting in the Senate-House was spread over three days. Powis started well, at one stage being 82 votes ahead of Albert, but by the end of the first day his lead had almost vanished. At the end of the second day the Prince led by 86, and when voting closed on the third day he had 'won' by 953 votes to 837. But would he accept? Hardly the large majority hoped for. Sir Robert Peel advised that he should, and he did.

The new 1858 Statutes barely changed the Elizabethan procedure at all, but by 1882 the reading-out of the votes by the Senior Proctor as he received them had been dropped (thus spoiling half the fun), but still nothing was said about requiring a candidate's consent. The 1926 Statutory Commissioners added 'Only those persons shall be eligible whose nomination papers have been signed by at least fifty members of the Senate' but left the manner of voting to be determined by Ordinance 'and unless so prescribed shall be as has been customary here-to-fore'. They still said nothing about getting the consent of the candidates, but they should have done, for a century after the problem with Prince Albert it happened again.

The Chancellor, Jan Christiaan Smuts, had died on 11 September 1950, aged 80. His had been a short tenure. The University of Oxford sent us a letter of condolence (*Reporter*, 1950-51, p.250) for which we authorised the

Vice-Chancellor to convey our thanks (Grace 1 of 28 October 1950).

Smuts's own election had been straightforward. Shortly after his predecessor, Earl Baldwin, had died, the Vice-Chancellor had invited members of the Senate to attend an informal meeting in the Senate-House on 17 January 1948 for the purpose of discussing the forthcoming election. At the Congregation on 2 October 1950 the Vice-Chancellor S.C. Roberts, addressing the Senate at the end of his first year of office and recalling Smuts's death, said 'many of those here will remember the eager spontaneity with which the proposal for his nomination as Chancellor was received in the Senate House in 1948'. Smuts had, indeed, been unopposed. His election was a formality, only four days 'notice being given of the Congregation of the Senate for it. The Senior Proctor read the instrument of election and a Grace was passed that it be sealed and delivered. The Orator then read a letter to the Chancellor-designate from the Vice Chancellor and Senate, and a second Grace was passed for its sealing.

But in 1950 the ghost of Prince Albert returned. There was still no Ordinance in spite of the 1926 Statute. The call for nominations produced two, Lord Tedder and Pandit Nehru, each handsomely supported by well over fifty members of the Senate. Tedder's supporters included every member of the Council of the Senate except the Provost of King's, and was surely one of the most distinguished list of names ever to appear in the *Reporter*. Limiting my mentions to some of those from my two colleges, Trinity Hall produced Henry Dean (the Master), the Dean (Owen Chadwick, later my tutor, happily still with us), Charles Crawley (also my tutor) and Shaun Wylie (who tried to teach me mathematics), and Caius had Sir James Chadwick (Master), Sir Vincent Wigglesworth, and others whom I never met such as J.F. Cameron (former Master) and Sir Charles Sherrington (Nobel Laureate, as was James Chadwick).

Nor was Nehru's list far behind – there were Nobel Laureates (or future Laureates) on both sides. It looks like a reaction to the 'Council' list. Thus Caius produced, amongst others, Joseph Needham (later Master) and his wife Dorothy, and Brian Harland (a Quaker, my mother's cousin by marriage, whose views were well known to me). The Department of Physiology was out in force and so were the M.R.C. Kendrew, Perutz, Sanger – and the astronomers – Hoyle, Gold, Bondi, Lyttleton, Ryle, F.G. Smith. There had been no objection to Smuts's nomination at the time, but perhaps it was now thought that two military Chancellors in a row was one too many. Flysheets had been circulated inviting members of the Senate to sign the Nomination Papers, and Nehru's ominously admitted 'His acceptance of this nomination is awaited'. Notice of the election procedure was published in the usual way. Examples of the two voting cards were given, and 'The names of the persons who have voted for

each candidate will later be published in accordance with ancient custom'. Presumably this was thought to be a replacement for the earlier practice of the Senior Proctor reading out each vote.

Then came the bomb-shell - a letter from the High Commissioner for India indicating that Nehru did not wish to enter into any contest and requesting that his name be withdrawn. An embarrassed Vice-Chancellor immediately issued a second notice of election. Doubting the legality of withdrawing a nomination, for which the Statutes made no provision, he determined that the election would go ahead, banking on Tedder's success, adding 'Neither the names of the persons who have voted nor the number of votes cast will be published'. And go ahead it did, Tedder being elected but no record of the votes ever being made public, unlike in Prince Albert's case.

After this embarrassing performance the Council took fright. Perhaps driven by S.C. Roberts, who had been the Vice-Chancellor at the time and was now again a member of the Council, they published a Report on the procedure for the election of the Chancellor (Reporter, 1952-53, 475). They noted that the Ordinance anticipated by the Statutes had never been made, and that at the last election 'certain difficulties showed themselves' (1) there was no body charged with ensuring at least one candidate (2) there was no requirement for candidates to consent to nomination and (3) there was no provision for a nominated candidate to withdraw. (1) is not evident from the published record; (2) and (3) could easily have been rectified by a simple Ordinance. But the Council seemed most taxed by (1) and thought that the creation of a permanent Nomination Board might resolve it. They put their careful and non-committal Report 'which contains no recommendation' up for Discussion on 10 February. Perhaps it was a cold day. No remarks were made. Encouraged by the tacit support, they produced a Second Report tying down the kites they had been flying, complete with a recommended Ordinance creating a Nomination Board to consist of the members of the Council of the Senate afforced by sixteen additional members appointed by Grace of the Senate (and thus of course recommended by the Council). Again, no remarks were made at the Discussion and the changes were approved without opposition. (Our modern governors, prone to invent White Papers and Green Papers and other procedures unknown to the constitution, should note the custom of a Report without recommendations and the custom of a Second Report; an Amended Report was another customary category.)

The Ordinance stands today substantially as it did when passed in 1953, though the Council now contains, in its junior members, persons who are not members of the Senate and thus should have no direct influence on a Senate election². In 1975, precipitated by Lord Adrian's stated intention to resign from 1 January 1976, it was modified to accommodate the possibility of resignation.

Prince Philip was, of course, elected without opposition. But the procedure did not run quite smoothly because the Nomination Board failed to nominate anyone in the prescribed period, understandably in view of the candidate they had in mind, and had to get a Grace passed allowing the Council to grant them an extension (incidentally slipping in a temporary reduction in the time for any additional nomination by fifty members of the Senate to be reduced from seventy days of term to twenty-eight³). It

all took months, and the Chancellorship remained vacant until Prince Philip was elected unopposed in December (or, more accurately, until he was installed the following June).

His has been a remarkable tenure. Along with other former Proctors I was present for most of the celebrations held to mark his thirty years as Chancellor. He was entertained to dinner in the Hall of Trinity College after a full day spent chairing meetings, opening buildings, presiding in the Senate-House receiving congratulations and introducing a lecture. Any lesser man would have been wilting by then. But when, after dinner, Owen Chadwick sang his praises, the Chancellor replied with a speech of such brilliance and affection that we all came away believing that the University of Cambridge was the chiefest of his manifold responsibilities. We shall miss him greatly.

And who is to succeed him? First we need to consider the Chancellorship itself, and secondly the manner of election involving a Nomination Board. There has been no open discussion of the possibility of changing the nature of the office other than the article 'Future Chancellors' by the late Charles Goodhart, former Council member, Proctor, and Senior Tutor of Caius, published posthumously in the *Oxford Magazine* in 2006 (Second Week, Trinity Term). Goodhart pointed out (in 1991) that the Wass Syndicate's proposed seven-year Vice-Chancellorship would also have a negative effect through depriving the Heads of Houses of the duty that they had customarily shared, that of the two-year Vice Chancellorship. Since, argued Goodhart, the Chancellorship was primarily ceremonial and representative in a formal sense only, and the Heads would continue to supply a pool of distinguished senior men and women, why not choose a one-year Chancellor from among them, like a Lord Mayor? This, I might myself now add, would repair some of the damage done to the collegiate university by the removal of college influence from the office of Vice-Chancellor, which has been compounded by the University inventing multiple Pro-Vice-Chancellorships, tipping the balance even further in favour of the Old Schools. A home-bred Chancellor, nominally senior to the Vice-Chancellor, would be of sufficient standing to proffer kindly and knowledgeable words of advice to him or her in times of difficulty.

As to the Nomination Board it is probably more trouble than it is worth. It was created on the pretext of avoiding the embarrassment of no-one being nominated, but that has never happened, and if it nearly did in 1950 then the Council members acting severally stepped into the breach successfully with Lord Tedder. It has only functioned once, negotiating the unopposed nomination of Prince Philip, which again Council members might equally well have achieved unaided. The situation now is very different from when the Board was created in 1953. People are less likely to be satisfied with a single candidate put up by today's Council afforced by its own nominees, and will ask why Cambridge cannot have an open competition like Oxford's. Members of the Senate may feel it unfair that some suitable persons whom they might wish to nominate might be unwilling to stand against what they see as the official candidate. A stalking horse might rear its head. The Board is not a statutory body, existing only in Ordinances and therefore able to be excised by a simple Grace. Of course that should not be done now the election has been announced, but it is a thought for the future. The Council would naturally not wish to promote such

a Grace for the reduction of its own powers, but that is precisely the circumstance for which the 'fifty-member' type of Grace originating from the Regent House itself was introduced.

But for this election the die is cast. Who indeed will succeed Prince Philip?

A.W.F. EDWARDS

1. www.admin.ca.m.ac.uk/reporter/2010-11/weekly/6204/section1.shtml

2. I understand that the intention is to allow junior members to be present to discuss generalities, but not when particular names are considered. It may be noted that the Chancellor, being a member of the Council, is thereby also a member of the Nomination Board, which seems an oversight of drafting.

3. This temporary change was made permanent in 1994 on the proposal of the Statutes and Ordinances Revision Syndicate, of which I was a member. The Syndicate's Third Report (*Reporter*, 1992-93, p.767) stated 'Minor amendments are proposed in the regulations for the nomination and election of the Chancellor; these are designed to allow more flexibility in the timetable for the election'. In fact, although the changes give the Nomination Board more time, they give the Senate much less, and I am left wondering whether the temporary time of twenty-eight days understandably used for the rather special case of Prince Philip's election has been made permanent inadvertently. I can recall no discussion of it. From seventy days to twenty-eight is certainly not a 'minor' change, and does not seem long enough. After all, there is no urgency in filling the Chancellorship.

The Election of a New Chancellor: Why Congregation Needs to Step In

ROGER TEICHMANN

The new regulations

In the *University of Oxford Gazette* for 21 March a notice was published announcing a change in the regulations governing the election of a new Chancellor.¹ Under the old system anyone could be nominated as a candidate who garnered fifty or more signatures from members of Convocation, and the electorate consisted of all the members of Convocation. Under the new system the electorate remains the same, but a new Election Committee ‘shall oversee the election process’. The committee ‘shall be responsible for [...] approving the role specification for the post and determining the information to be provided by candidates’ (sec. 5b); and ‘after the closing date for applications, the committee shall consider all those it has received, and, having due regard to the principles of equality and diversity and the approved role specification, shall determine which candidates are eligible to progress to the next stage of the election process’ (sec. 7). In short, members of Convocation will be allowed to vote for a list of people decided on by the Election Committee according to the criteria supposedly set out in the two sentences just quoted (sec. 5b and 7).

There is an additional change to the previous regulations that is worthy of note: ‘Voting shall be online’ (sec. 10a).

The *Gazette* announcement appeared twelve days after the end of Full Term. The new regulations came into force on 5 April, sixteen days before the start of the next Full Term. Thus both the announcement and the coming into force of the new regulations took place during the Easter vacation, when many dons have other things to think about than University business. If members of Congregation wish to have a public Discussion of, or to present a Resolution on, these issues, then it will not be reasonable to block the wish of Congregation on the grounds that no objections were received by 1 April. That was indeed the date by which objections were to have been received to halt the introduction of the regulations. The regulations have come in. But Congregation may wish them to be amended or even repealed.

Reasons for concern

There are several possible reasons why Congregation may wish the new regulations to be reconsidered. Even if only one or two of the following reasons are cogent, it seems to me there will be grounds for requesting a Discussion or Resolution in Congregation:

(A) There was nothing wrong with the previous system, and it was in many ways more democratic.

- (B) The criteria for determining the shortlist of candidates set out by the regulations are either undefined (sec. 5b) or vague (sec. 7). As a result, it cannot be predicted how the Election Committee will interpret them, and it will be difficult or impossible to charge the committee with having erred in its drawing up of a shortlist. It will be effectively immune from criticism.
- (C) Insofar as sec. 7, with its reference to ‘the principles of equality and diversity’, can (despite the vagueness) be given a natural interpretation, there will be worries that the Committee’s decision will be coloured by an ideological agenda which is inappropriate in the context of such an election.
- (D) The Committee will consist of persons chosen by Council and deliberating behind closed doors. The common complaint of a ‘culture of secrecy’ within the University will here be vindicated.
- (E) Any proposed changes in the regulations governing the election of a new Chancellor are evidently matters of such importance that Council should have made it a priority for Congregation to be made aware of the new proposals and to be given the opportunity to debate them, rather than presenting them to Congregation more or less as a *fait accompli*. Calling for a debate in Congregation will therefore serve to remind Council of its proper role and duties.

‘Inclusivity’

It may be asked why Council has decided to make these changes. The answer that has been given is that the new system will be more ‘inclusive’, i.e. that because in-person voting has been replaced by online voting more members of Convocation will be able to nominate (or even put themselves forward as) candidates, without the need to get fifty signatures. The sheer number of nominations will presumably increase enormously. That fact could itself be used to justify having a committee tasked with getting a suitably short shortlist; but given the historical tendency towards administrative centralisation, some of us might think the ‘justification’ disingenuous. In any case, talk of inclusivity tends to be less impressive when the criteria of inclusion are to be tempered by various (undefined or vague) criteria of exclusion.

Proffered explanations

The Registrar has been good enough to enter into correspondence concerning the new regulations, and the V-C has kindly offered to meet to discuss them (although at the time of writing we haven't yet managed to fix a date). In her emails the Registrar proffered explanations of the import of sec. 5b and 7.² I would like to make two preliminary points: first, these explanations may indeed record 'the intention of Council' in drawing up the new regulations, but given the vagueness of wording there can be no confidence that this, or future Election Committees, will not interpret the wording as they see fit, regardless of Council's intentions (see reason (B), above); second, the Registrar's explanations seem to me in any case inadequate.

Eligibility criteria (sec. 5b)

In her email to all members of Congregation (27 March) the Registrar wrote that 'the eligibility criteria will rule out [...] members of legislatures or those active in politics'. This is an entirely novel restriction, of just the sort that deserves public discussion (i.e. in Congregation). After all, among past Oxford Chancellors has been one who actually served as Prime Minister during his Chancellorship.

In an email to me (27 March) the Registrar stated that 'While the Chancellor is not a trustee of the University, Council felt that the titular Head of the University should attract analogous standards as apply to charity trustees or public office.' Trustee and/or fiduciary duties attach to those with powers over other persons (legal or natural). The Chancellor has no such powers over, or in connection with, the University. Hence it is simply unclear why 'analogous standards' should apply to a Chancellor as to a charity trustee.

Equality and diversity (sec. 7)

In her email to members of Congregation the Registrar wrote that 'in considering eligibility we will meet our obligations under the Equality Act; there will of course be no positive discrimination', a statement she reiterated in her email to me. (By 'Equalities legislation' the Registrar presumably means the Equality Act 2010.) I replied that the phrase 'having due regard to the principles of equality and diversity' (in sec. 7) is not synonymous with 'having due regard to our obligations under equality legislation';

moreover, it is far from clear that the Equality Act 2010 even applies to the election of a Chancellor, a Chancellor being an unpaid officer of the corporation. But the reply to my reply simply stated: 'I confirm that Equalities legislation does apply to the University and decisions it takes on matters such as the election and that Council intended no more than to reflect that in the phrase used in the regulations.' It seems as if Council's intention in sec. 7 was merely to indicate that the Committee would not break certain laws. One would hope it could be relied on not to break *any* laws.

There is a question whether Council has sought or received legal advice suggesting (a) the need to exclude candidates active in politics, or (b) the need to apply standards to a Chancellor ordinarily associated with a charity trustee, or (c) the need to include reference to equality and diversity in the regulations. I have not received any hint that such legal advice has been forthcoming. But it would be good to be told one way or the other.

Conclusion

The Chancellor of a University is sometimes spoken of as a 'figurehead'. Whatever that word implies exactly, it cannot be denied that a University Chancellor's public role is hugely important. The fact that all members of Convocation can vote for an Oxford Chancellor is an example of the remarkable spirit of democratic self-governance that characterises the University. The 'fifty signatures' requirement of the old regulations served both to keep the shortlist of candidates manageable and to be an indicator that a given candidate could actually inspire some support among University members. The latter feature of a candidate could hardly be counted on under a system where a small group of unelected committee members draws up the shortlist. Moreover, as I have argued, the new regulations are problematic in themselves, both on paper and as regards Council's 'intentions' as to interpretation: they are undefined or vague, probably contentious, and arbitrarily restrictive. Congregation needs to get them reconsidered.

1. https://gazette.web.ox.ac.uk/sites/default/files/gazette/documents/media/21_march_2024_-_no_5416.pdf#page=2

2. Quotations from emails to the author are made with the Registrar's permission.

Drooping Tulips

Retain their dignity long after
their last bow. They could be microphones,
streaked with lazy melodies,
they could be artichokes
peeling away in a riot of taste.

Their reach for the skies is over,
they go down like a last aria,
a flag of honourable defeat.
Leave them be a day or two,
blowzy fanfares of dying love.

PETER PEGNALL

Peter Peggall has published seven collections of poetry and been writer in residence in many places, as well as a visiting poet at Lancaster, Sussex, Leeds, and Coleraine Universities. He is the director and founder of initiatives including The Brighton Festival, South Hill Park Arts Centre, The Bel-fry Arts Centre in North Norfolk, and A Caso dos Poetas, an international festival in Silves.

As she takes her in hand for an overview
On a carpet woven from air and yarn,
Face-weight taking the measure of its fibre

When she starts to sing, her aria
Drawing on the lungs in the room for a note
Our hostess has held until now, her memory

Losing its crease. She is crossing out what had been
Underlined in her contacts book:
The minister ghosting her guests for someone

Who simply *wasn't there*; the painter who lit up
Her husband like blue touchpaper and retired
To a safe distance as he failed to spark,

Her ice-breaker held back before a manservant's
Under-known eyes. *I just won't remember*
Vicarious lives. What would be their trace?

Searching for a last chance to impress,
Names and addresses lift off the page
In a murmur's stream of consciousness.

Someone to Watch Over Me

After Milan Kundera

i Under anonymous eyes

If, under anonymous eyes, I found myself
Imagined, a reader of shipping –
Argo, say, or the Vikings' *Long Serpent*,
A broad, high-sided, sturdily-timbered vessel,
Thirty-four benches for the oarsmen,
The stroke, as I saw it, would seem reassuring,
Calming the water, the crew in turn
Holding course below me, their lodestar

An unsalted poker voice on the air,
A broadcaster's glass of water to hand,
His last words sipping from the glacier lagoon
For one listener on an evening train
Between headphones in a silent carriage
Among motes of dust, stars at rest.

ii Under known eyes

That gift, to make connections in time and space
Until a new world is on the air, salting
This harbour of thought, these rooms; those eyes

Beckoning her staff to ease the coat from each
Head-turning guest – bottles uncorked,
Left to breathe before the glasses catch their breath.

I have been drawn over her threshold of liner
Through the lens, the pupil, into the long before
To watch her finesse an introduction

For this ingénue: two jewels in a mask,
Hair up, pear-scented, earrings ripening in light,
The ivory key of her touch

iii Under loving eyes

Drawing up to the Gentleman's Outfitters
Sitting by myself at a window on the bus.
A woman stands before a man's winter coat.
She sees herself as before, window-shopping,
The mannequin's blank face she can't put a name to
For the name sleeps soundly on her tongue.
She would press between her fingers and thumb
That lapel, bringing fibres close to her skin
To make fresh prints, as though her yesterdays
Should accumulate, so the coat looks lived-in.

But her hope is wearing thin, wearing her.
Before the mannequin can show his face
As she remembers it, I am there too
Reflected in the window. She is on the bus,
Her lost man watching over her and I close my eyes.

iv Under imaginary eyes

A dog-sled in Alaska – the near-sighted team
I'll pass over to focus on the lead,
Known for pace, strength and peerless tracking skills.
He shakes off the drift and takes up slack,
Swivels his ears for the whistle he believes in,
On call for his master from another time and place
Where the west wind piles up snow the east wind melts
And rivers fill and flow from the thaw of tears wept
Now the ten-year war is won and the call home
Must surely come, before the commotion
Of wheel dogs, team dogs, swing dogs, so the gangline
breaks
And they fall back like ice off the rocket
Of Apollo, a calving glacier.
Unfettered, an ace drawn from the pack,
You are put to flight, putting on speed, a wagtail ...
Good boy, Argos, your faith is well-kept.
I am flensing the glacier for lenses!

GREG SWEETNAM

Greg Sweetnam was one of the poets in the *Oxford Poets Anthology* (Carcantet, 2004), and he has been widely published elsewhere. A retired graphic designer, he now works for Facilities Management.

Will the real Convocation please stand up?

JESÚS ANTONIO SILLER FARFÁN

472. A further radical change is that Council exerts leadership in the main bodies of the central administration, and also in other committees which lie outside the central machinery but are important, by securing the presence of its own members on them. There is (...)

(Extract from the 1966 Report of the Commission of Inquiry – the “Franks report”)

3. The Chancellor shall be elected in accordance with the following procedure:

- (1) (...)
- (2) The committee shall consist of:
 - (a) the High Steward (...);
 - (b) the Vice-Chancellor (...);
 - (c) one person appointed by Council from among current external members of Council;
 - (d) two members of Council appointed by Council from among the members of Council specified in section 4(16)-(26) of Statute VI;
 - (e-k) (...)

(Extract from Council regulations 8 of 2002, as amended)

On Thursday the 21st of March 2024, Council published in the *Gazette*¹ a series of reforms concerning the electoral process that will be used to select our new Chancellor. The justification offered in the Staff Gateway was pithy, indicating that Council regulations 8 of 2002 ought to be changed to align the Cancellarian election to that of the Professor of Poetry and to increase inclusivity². The now-enacted changes are comprehensive: they introduce online voting and establish a Chancellor's Election Committee with the High Steward and the Vice-Chancellor as chair and deputy chair, respectively. In contrast to the recently abolished Nomination Board of the University of Cambridge³, this new group lacks explicit representation from members of staff or Convocation who *do not* belong to Congregation. In designing this committee, Council has in effect disenfranchised:

- The absolute majority (>95%) of the electorate under Statute III. I am talking about Convocation members such as graduates plus retirees that have lost their Congregation affiliation due to their age.
- The majority (grades 7 and below) of the Professional Services and Academic-related staff (e.g., postdoctoral researchers), who are ultimately represented by the Chancellor but not afforded an automatic vote⁴.

Council's actions also mean a further blow to Convo-

cation's vestigial role in the governance of the University. This has been a slow, but monotonic process: the interested readers could do worse than to read Chapter VI of the 1966 Franks report, which also details the progressive gain-of-function journey of Council.

* * *

Statute III, para. 1 could not be clearer on the role of Convocation: to elect the Chancellor and the Professor of Poetry. Even though para. 3 enables Council to regulate the elections in Convocation⁵, I am of the opinion that the comprehensive powers of the Chancellor's Election Committee might be unlawful. Be that as it may, it is now unclear whether Convocation will retain the faculty of lodging nominations. The new Committee has the prerogative of determining which candidates are eligible to progress to the next stage of the election process⁶. In exercising this prerogative, it can bypass Convocation and circumvent the election altogether by selecting a single candidate, which Council can – at their pleasure – deem as duly elected.

Assiduous readers of the *Magazine* will be familiarised with complaints about Wellington Square's secrecy and disregard for the sovereignty of Congregation. I am not sure, however, if they have noticed a number of procedural breaches in Council's actions during the past months. For example, during June of 2023, Council attempted to enact a legislative proposal without even offering Congregation the chance to oppose⁷. Not being a Congregation member, submitting formal questions was out of my reach – I regret to report that my complaint to Wellington Square was ignored and only acted upon after I penned a Statute XVII pre-action letter. The subsequent retraction used to be present in the *Corrections to Gazette* webpage⁸, but it seems to have disappeared now.

Similarly, one could argue the original announcement of the proposed reforms to Council regs. 8 of 2002 was irregular: the *Gazette* of the 21st of March 2024 has gone through five different iterations, with substantial changes being applied after publication. Indeed, one can visit SharePoint, examine the version history of this issue (Vol. 154 No. 5416) and discover that page 352 of the originally published version (21-03-2024, 09:29 h) did not contain any references to the Statute VI procedure that can be invoked to object to the issuance of Regulations by Council. It was only until a subsequent edit (26-03-2024, 09:52 h) that the sentence “*unless notice of a resolution calling upon Council to annul or amend the regulation is received by the Registrar by noon on 1 April (as set out in Statute VI: Council)*” appeared. This is not the first time that the *Gazette* has been re-edited after its publication, I should note.

The fact that the procedures for invoking objections were not disclosed until the 26th should raise questions about the lawfulness of this announcement. More broadly, one should ask whether an instrument of record should be subject to modifications of this kind: to the best of my knowledge, *Hansard* or the *London Gazette* cannot be altered in this fashion. Aren't these changes equivalent to rewriting history?

* * *

I have expressed my concerns to several designated representatives of the postdoctoral research community. I am still waiting on a response from them. Through no fault of their own, they lack a mandate, and they are not accountable to the average postdoctoral researcher: the convoluted election structures ensure this⁴. And even if they were sympathetic to my concerns, I am not oblivious to the fact that their position on Central Committees is heavily circumscribed: they might be granted a voice, but do not have a vote.

Perhaps unbeknownst to them, Congregation members possess an array of options to hold Wellington Square accountable. So if you are a Congregation member who happens to read this piece, here are some asks from your friendly neighbourhood postdoctoral researcher:

- Chat with one of your friends who also belong to Congregation. The two of you can then query the procedural breaches or the eligibility criteria that will be enforced by the Election Committee. If you don't agree with the proposed changes to Statute IX (length of tenure of the future Chancellor), you can also ask for a formal vote to take place.
- Ask Council to grant a voice (or better, a vote!) to all the disenfranchised staff. Unlike in Cambridge, your average postdoctoral researcher is not allowed to speak or even attend Congregation meetings.
- Bonus points if you and 19 backers submit a resolution asking Council to establish a Cambridge-like online system to manage Congregation meetings and collect signatures from the comfort of your PC. Council seems to favour online platforms these days, so ...

In 1966, the Franks report admitted that *the effective sovereignty of Oxford no longer rests with Convocation*. Apathy and disinterest will all but ensure that, in the next governance report, the word *Congregation* will appear instead.

441. (...) [I]n the last resort we rest on the view that the nature of teaching and research is such that both will be better done if those engaged on these activities feel that they can be fully associated with the determination of university policy if they wish to be. We do not pretend that everyone in an academic community is passionately concerned with every aspect of university policy or that the place would run at all if they were. But we think that even those with little interest in policy or administration are likely to feel that sense of personal commitment to which we attach so much importance if they know that they could make their voices felt if they so wished.

(Further extract from the 1966 Report of the Commission of Inquiry – the “Franks report”)

1. *Oxford University Gazette*. Issue of the 21 March 2024, Vol. 154, No. 5416.
2. University of Oxford, Staff Gateway. Chancellor: changes to election process. Link: <https://staff.admin.ox.ac.uk/article/chancellor-changes-to-election-process>, retrieved on 10-04-2024.
3. University of Cambridge, Governance explained. Senate voting procedures. Link: <https://www.governance.cam.ac.uk/governance/key-bodies/senate/Pages/Proposed-changes-to-Senate-voting-procedures.aspx>, retrieved on 10-04-2024.
4. The current early career staff research representative who sits in Council is a member of Congregation and was not voted onto Council through direct democracy. See: https://www.ox.ac.uk/sites/files/oxford/media_wysiwyg/01%20RSCG%2824%2901%20Guidelines%20for%20the%20selection%20of%20research%20staff%20representatives%20030124_0.pdf
5. University of Oxford Statutes. Statute III, para. 3: *The procedure for the holding of elections in Convocation shall be laid down by Council by regulation*. Hopefully lawyers will have their say.
6. University of Oxford, Governance and Planning. Council regs. 8 of 2002, para. 9.
7. See *Gazette Index* to Vol 153 (2022-3) > Congregation > Legislative proposals > Sackler Keeper of Antiquities Endowment Fund, pages: 443, 454, 472, 480, and 484. The initial legislative proposal, tabled on the 22 June 2023 for the Congregation meeting of the 27 June 2023 was unlawful since Congregation regs. 2 of 2002 state that a notice of opposition needs to be received before the eighth day of a meeting of Congregation (Part 2, point 2.4). Furthermore, the Registrar is obliged to table legislative proposals nineteen days in advance (Part 2, point 2.3).
8. University of Oxford, *Oxford University Gazette*. Corrections to Gazette. Link: <https://gazette.web.ox.ac.uk/corrections-gazette>, retrieved on 10-04-2024.

Disclaimer: I have submitted a version of this article to the Bulletin of the Council for the Defence of British Universities.

A lawyer's commentary

NICHOLAS BAMFORTH

New rules governing Chancellorship elections have been introduced via amendments which appeared on 5th April 2024 to the existing Council Regulations 8 of 2022. It is not obvious that the new rules are necessarily compatible with the University's Statute III, while their content might be thought to raise two further substantive concerns.

Beginning with compatibility, there is room for argument about the legality of the amended Council Regulations. As a basic matter, both under English common law and within the University's own legal system, secondary measures (in the University context, Council Regulations) have legal force only to the extent that they are in accordance with underpinning primary measures (in the University context, Statutes). The election of a Chancellor is declared by Statute III – the relevant primary measure – to be one of the two 'functions of Convocation', the other being the election of the Professor of Poetry. Convocation, in turn, is declared to consist of all former student members who have been admitted to a degree and of others who are current members of Congregation or who have retired while being a member.

However, the wording of almost the entirety of the revised 20 02 Regulations – found in their sections 2 and 3 – in practice removes any real role (i.e., one of the statutory 'functions') for Convocation save in the single situation contemplated in section 3(10), namely where the Chancellor's Election Committee has 'determine[d]' that more than one candidate is permitted to 'progress to the next stage of the selection process'. Up until that point, however, everything is under the control of the Election Committee, begging the question whether any meaningful role ('function') can be said to have been left for Convocation. To the extent that it has not, there is room for argument about whether the new Regulations are compatible with the terms of Statute III, or instead serve to frustrate their operation.

As a conjoined and equally important point, the Chancellor's Election Committee obviously does not itself have a foundation anywhere in the Statutes (at least, at present): merely in the amended 2002 Regulations. Convocation, by contrast, is a body which acts on two occasions for the very specific purposes set out in Statute III: namely electing a Chancellor and a Professor of Poetry. Depriving it by a secondary measure – namely, the amended Regulations – of a large part of its practical role under the Chancellorship heading and in turn according a central function to a body established only under the secondary

measure concerned could be argued to be an illegitimate use of a secondary measure to frustrate the full operation of the primary measure, here Statute III.

Just as a further point of drafting, it is interesting that section 1 of the revised Regulations talks of an 'election in Convocation', as if Convocation was somehow akin to Congregation (the subject of Statute IV). As a practical matter, we are of course generally happy to talk of things being decided 'in Congregation' while accepting that this process is in reality usually a virtual one. Might the drafters of the revised Regulations have had some sort of similar picture of Convocation in mind? If so, however, surely any analogy is questionable when Convocation has only two clear – and infrequently exercised – practical functions under Statute III, one of which is seemingly being heavily restricted via the amended Regulations?

Turning to the two further substantive issues, it is firstly concerning as a matter of substance that in situations where more than one candidate progresses to 'the next stage of the selection process', section 3(10) of the amended Regulations entrusts the choice of 'electoral system' to the Chancellor's Election Committee, provided only that voting is online. That seems to grant an enormous discretion to an entirely centrally-appointed committee, and in relation to a question which is potentially open to a wide range of arguments and all sorts of possibility for contestation: after all, a large number of possible 'election systems' are imaginable. Should it be decided on a longer-term basis to stick with the newly-designated system, serious thought will need to be given to identifying a clear election method, specified at minimum in the prevailing Regulations and perhaps also – given the importance of the election in issue – in the Statutes.

A second substantive concern is that, in the instance of a move from a more open process to one which is henceforward to be heavily controlled by a committee, that committee is to consist entirely of appointed members: something which does not give any impression of being remotely democratic. In this regard, it is important to note the contrast with the (albeit imperfect) procedure governing the selection of new Vice-Chancellors. The latter process is set out in Council Regulations 21 of 2002, section 6, and specifies that the nominating committee should contain four non-Council members elected by Congregation. Why should the same not be the case for any committee concerning the Chancellorship? Why, in short, are there no elected members?

How to elect a Chancellor

G.R.EVANS

Oxford and Cambridge both find themselves in need of new Chancellors, on the impending resignations of their two incumbents. Chris Patten entered office as Chancellor of Oxford in 2003 and Lord Sainsbury became Cambridge's Chancellor in 2011. Patten has been an active Chancellor, Sainsbury less so, though the generosity of his benefactions has been notable.¹ The length of the periods of service of the two Chancellors now resigning has not been exceptional. Patten's two predecessors each served for a quarter of a century. Cambridge had only three Chancellors between 1689 and 1811 and Sainsbury's predecessor, the then Duke of Edinburgh, was Chancellor from 1976 to 2011.

The formal responsibilities of the Chancellors are mainly ceremonial. In particular they preside at the annual conferral of their University's honorary degrees, granting the degrees on their own *auctoritas* and on behalf of the whole University. One additional responsibility for Cambridge's Chancellor survives from the nineteenth century legislation. It remains in force in the present Statutes in much the same wording.² The University does not have the power to change that itself; it would take an Act of Parliament.³ This is the Chancellor's power to resolve 'any doubt' arising 'with respect to the true meaning of any statute'.⁴ To resolve a 'dispute' about 'the interpretation or application' of any of its statutes Oxford has only Statute I, 7 and Statute XVII, under which the Vice-Chancellor makes such a determination, perhaps consulting the High Steward 'and any other person he or she thinks fit', but there is no role for the Chancellor.

The student newspapers had not foreseen drama. *Varsity*'s February article seemed unalarmed when Sainsbury's resignation was announced,⁵ and *Cherwell* published a placid article about Oxford's plans on 21 March.⁶ But after the long gap between elections this time both universities have been giving thought to the best way to choose their new Chancellors. In both the election of the Chancellor is a residual power of the ancient democratic sovereign body, originally composed of their Masters of Arts. That body has now evolved into Convocation in Oxford⁷ and the Senate in Cambridge,⁸ including all their graduates. Neither body has much in the way of powers, other than the election of their Chancellors, though Oxford's Convocation also elects the Professor of Poetry,⁹ Cambridge's Senate its High Steward.¹⁰

A way has to be found to organise elections to those positions with so many entitled to vote. When Chris Patten was elected about 8,000 voters went to Oxford to vote in person, graduates long ago and now living far away identifying themselves on arrival by College and date of matriculation. It is now possible to do it digitally. That was achieved without difficulty in the election of the current Professor of Poetry in June 2023. Members of Convocation were invited to claim their right to vote, again by College and date of matriculation, and once approved

they were then able to vote electronically when the vote was held.

The election of a new Chancellor now is prompting a more detailed rethink. Controversy quickly became apparent with publication of proposed new rules for Oxford in the last *Gazette* of Term on 21 March. The press took an active interest. On 24 March *The Times* headline warned of 'election stitch-up to secure "woke" Chancellor'.¹¹ On the same day the *Telegraph* was also writing of 'stitch-up'¹² and suggesting that Rory Stewart was already being tipped as next Chancellor.¹³ On 25 March *Times Higher Education* had a headline about a 'stitch-up' of the Chancellor election.¹⁴ On 26 March *The Times* had a further article¹⁵ and an editorial and two letters, with concerns expressed that allowing the proposal to take into account 'equality and diversity' could mean that choosing the best person might not be the priority. *The Times* had a further article on 28 March, adding Tony Blair and Theresa May as potential choices, together with a letter from Oxford's Vice-Chancellor in response to the media 'attention generated', hoping that the new procedures would 'ensure that a great number' of 'equally inspiring candidates will apply for the role.' and putting the record straight on what Oxford was proposing. 'Democracy', she said, was alive and well in Oxford.

The Oxford alarms were prompted by two categories of constitutional change published in the *Gazette*. The first required a change of Statute, for which direct approval of Congregation was needed. Statute IX on the Chancellor was to be amended by allowing the Council to set a time-limit to the holding of an Office which it had been open to the holder to keep until he died or chose to give it up. That was to come into force on 15 April unless a Meeting of Congregation was called, requiring a debate and a vote.

There were also to be new Regulations. Regulations, being made by Council, did not require Congregation's consent although Congregation could refuse to accept them. They would come into force on 5 April unless it did so. They included the creation of a new body, an Election Committee, to 'oversee the process'. But it was to do rather more than that. Once 'applications' had been received the Committee 'having due regard to the principles of equality and diversity and the approved role specification', was to 'determine which candidates are eligible to progress to the next stage of the election process'. It was therefore in effect to nominate those who were to be deemed eligible for election by Convocation, taking into account their 'equality and diversity'. These were the proposals which had caused headlines.

Seeking to correct the 'considerable misleading commentary' Oxford clarified its intentions in a note circulated to Congregation on 27 March by the Registrar. Council, it explained, had 'agreed that all eligible candidates should be presented to Convocation for the vote' with the Election Committee merely checking eligibility. Eligibility was to depend on candidates' 'outstanding

achievements in their field and the command of respect beyond it'; their 'deep understanding of the University's research and academic mission and of its commitment to an inclusive working and learning environment'; and their 'ability to enhance the reputation of the University locally, nationally and abroad'. The intention was simply to rule out candidates with conflicts of interest or 'circumstances which are incompatible with the role'. There was to be no positive discrimination. The Committee would 'not operate as a selection panel sifting candidates on the basis of wider suitability for the role'. It would no longer be necessary for potential candidates to secure the support of 50 members of Convocation in order to put themselves forward for election.

Some potential candidates for this year's election, far from being awakened to come forward, may perhaps hold back. It remains to be seen whether the selecting of suitable candidates by the Committee will find those so listed willing to stand. It might seem that the high prestige of such an office, coupled with its limited requirements, would make it attractive but it has not always been so. Prince Albert, elected as Cambridge's Chancellor in 1847 had been the subject of a controversial election because Fellows of St. John's College preferred one of their own members, the Earl of Powis. But the Earl was a Tory and that threatened to give the election a flavour of party politics. Prince Albert, free of party allegiance, had to be persuaded to stand, largely by William Whewell, Master of Trinity College.

* * *

Cambridge has barely begun to think about its own plans for this year. At a Council meeting in February 2024 it was suggested that a 'Draft Role Description' for the new Chancellor would be needed. The Council 'agreed to consider options at its next meeting' in March.¹⁶ It will be wise to remind itself of past controversies. Cambridge's rethinking of its method of choosing a Chancellor in 2011 raised some concerns about the role of its own Nomination Board. The story has been told by A.W.F. Edwards in a series of articles in the *Oxford Magazine* between 2011 and 2014,¹⁷ to which I am indebted in what follows. The Statutes created by Cambridge in 1926 under the Oxford and Cambridge Act of 1923 had required only that 50 members of the Senate should have signed a nomination to create a candidate for election as Chancellor. However in 1953, after the confused election of Lord Tedder in 1950, Cambridge created its own Nomination Board. This was not put into Statute, merely made an Ordinance. It proved to be inefficient at the next election, failing to nominate Prince Philip as Chancellor before the deadline so that an extension had to be permitted.

In 2011 the Nomination Board proposed Lord Sainsbury but additional nominations were invited from members of the Senate. This produced three candidates: the local grocer Abdul Arain, the actor Brian Blessed and the barrister Michael Mansfield. Sainsbury got the majority of first preference votes but it was not a run-away majority. This was a first instance of the Nomination Board taking an active part in determining the choice of a Chancellor, but it left a sense that a review might be timely, given the possibility of additional nominations being made somewhat capriciously under the existing rules.

On 14 May 2014 a Report was published on *The pro-*

cess for the nomination and election of the Chancellor to put forward the proposals of a working group. These did not include the abolition of the Nomination Board but at the Discussion which followed on 27 May Anthony Edwards argued that:¹⁸

*'the creation of a Nomination Board in 1953 was a mistake and that it should be abolished, and that future elections should return to a procedure in which all members of the Senate have an equal right to propose candidates. Anything less incurs a democratic deficit.'*¹⁹

The Grace proposing the new Ordinance was withdrawn and a *Notice* in the *Reporter*²⁰ proposed letting the matter rest until a new election came into view. However the Nomination Board was now to 'review from time to time methods for voting in an election to the office of Chancellor and to promote by Grace of the Senate such method or methods (in addition to voting in person) as it may recommend' and make its own nominations if it chose.²¹

In due course electronic voting was allowed in Cambridge,²² but it took time for other matters to be addressed, the use of single transferable voting and the persistence of a Nomination Board. That came in a further *Report* on 15 November 2023 proposing abandoning both. As Anthony Edwards put it in Discussion in June 2023, 'The argument for electronic voting is democracy. It is also an argument for abolishing the Nomination Board'.²³ Cambridge's Nomination Board was duly abolished by the Senate.²⁴

Single Transferable Voting (STV) had long been controversial in Cambridge. A letter of Anthony Edwards published in *Nature* on 16 June 1983 had mentioned discussion about it in Cambridge at the time. A *Report* proposed the addition of online voting and abandonment of the single transferable vote,²⁵ with a Discussion on 5 December,²⁶ in which objection was made to losing STV.²⁷ The necessary Grace was submitted to the Senate on 17 January 2024 and no ballot was called. The new Ordinance therefore came into force²⁸ under which nominations are to be made by at least fifty members of the Senate and with the candidate's consent.²⁹

The ears of the press will not fail to prick up when Cambridge follows Oxford into working out how to choose itself a new Chancellor, but there will be no intervening Committee filtering the nominations. *Cherwell*, as one of Oxford's student newspapers, was writing on 2 April about a 'leaked email' from the Registrar giving preliminary indications about the preferences of its own Election Committee.³⁰

1. <https://www.varsity.co.uk/news/27006>

2. Statute A, IX, 2.

3. *The Universities of Oxford and Cambridge Act* (1877) contains at s. 52, with reference only to Cambridge, an amended version of s. 42 of the Cambridge Act of 1856:

4. Statute A, IX, 2.

5. <https://www.varsity.co.uk/news/27006>

6. <https://cherwell.org/2024/03/22/oxford-university-changes-electo->

7. Statute III.
8. Statute A, I (7)
9. Statute II, 1.
10. Statute A, I, 1 and A, I, 9.
11. <https://www.thetimes.co.uk/article/oxford-university-accused-of-election-stitch-up-to-secure-woke-chancellor-ltm9h3zj>
12. <https://www.telegraph.co.uk/news/2024/03/23/oxford-university-rules-chancellor-new-patten-stitch-up/>
13. <https://www.telegraph.co.uk/news/2024/02/07/rory-stewart-tipped-as-next-chancellor-of-oxford-university/>
14. <https://www.timeshighereducation.com/news/oxford-accused-bid-stitch-chancellor-election>
15. <https://www.thetimes.co.uk/article/tories-urge-oxford-university-not-to-restrict-its-election-of-chancellor-lpz5vrvqk>
16. Held on 18-19 March. An extraordinary meeting on 6 March was concerned only with an Incident at the Clinical School Computing Services, <https://www.governance.cam.ac.uk/committees/council/2024-03-06/MeetingDocuments/24.03.06%20Confirmed%20Council%20Minutes.pdf>
17. 0th Week Hilary Term, 2011; 0th Week Michaelmas Term, 2011; 0th Week Trinity Term, 2012, 0th Week Michaelmas Term, 2014 and Fifth Week Michaelmas Term, 2014.
18. *Reporter*, 4 June, 2014.
19. *Reporter*, 4 June, 2014.
20. *Reporter*, 20 October 2014.
21. *Reporter*, 14 May, 2014.
22. *Reporter* 7 June, 2023
23. *Reporter*, 28 June, 2023.
24. *Reporter*, 15 November, 2023.
25. *Reporter* 17 June, 2023.
26. *Reporter* 13 December, 2023.
27. *Reporter*, 13 December, 2023.
28. <https://www.reporter.admin.cam.ac.uk/files/revisedordinance-chancellorelection-jan2024.pdf>
29. *Reporter*, 7 February.
30. <https://cherwell.org/2024/04/02/active-politicians-oxford-chancellorship/>

Chancellorship Questions

Sir – Oxford’s Chancellor having given notice of his impending retirement from office, we have doubtless all seen Council’s announcement of plans for electing his successor. They comprise two major departures from established practice, neither of them convincingly defended.

First, instead of requiring a minimum of 50 nominations from members of Convocation (i.e. Oxford graduates), acceptable candidates will be those approved by the University’s new eligibility vetting committee. What is the supposed justification for this? Why have we not been given a full account of Council’s reasoning? And

TO THE EDITOR

to whom is the committee supposedly answerable in making its choices?

Secondly, voting is to be remote, i.e. by email, rather than requiring personal attendance in Oxford. Again, on what

grounds? The illusion of democracy? In reality, of course, it enhances the likelihood – even on this occasion, let alone more distant ones – of the successful candidate being the one preferred by whoever happens to be running the People’s Republic of China.

There is an obvious remedy for these shortcomings. In to-day’s world the whole idea of a human Chancellor begins to appear outdated. Perhaps the job could soon most efficiently and economically be done by an AI robot. And Congregation should vote accordingly.

Yours sincerely,
PETER OPPENHEIMER
Christ Church

REVIEWS

Sermons in stones

Ian Davis, *Experiencing Oxford* (Second Edition) An Robhair Publishing, 2024.



We experience cities, and, indeed the countryside, with all the senses: sight, sound, smell, taste and touch. But writing about them tends to privilege sight and sound, since it is harder for readers to imagine the other three. In *Experiencing Oxford* Ian Davis attempts to remedy this, and give due attention to the complete sensory repertoire. Experience is a buzz-word at the moment; ‘the Coronation Street Experience’ is being advertised, providing one with the opportunity to hobble across the cobbles (although they are, strictly speaking, stone setts).

This is a very engaging study, and will intrigue and enlighten many readers. Davis is a gifted water-colour artist, and has been involved in architecture at a professional level, so is very alert to the visual appearance of the built city, and the natural surroundings of water and vegetation too. Experience is not confined to the immediate sensations though: it is overlaid with mental activity, to do with memory, reflection and analysis. Alongside passive responses there are the active mental resources of history, literature and a host of associations, many of them personal. These abstract experiences co-exist with the direct, sensational experiences of the external concrete world, making for a very rich mix. Something like this is true of all urban experiences, but the combinations are particularly rich in Oxford, as Davis illustrates. Some experiences will not be specifically unique to Oxford – such as the rattling and clattering of the Tesco trolley, pushed along the brick pavement. Smells are always important in one’s reaction to a place; Meghan Markle famously turned up her nose, literally and figuratively, at the musty smell of St. George’s Chapel, Windsor.

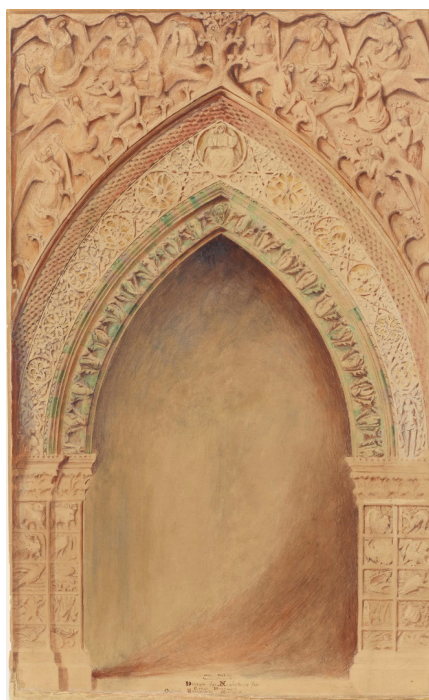
The experience of an onlooker with fifty years of association with Oxford will necessarily be different from that of a tourist or a schoolchild dragged unwillingly (to borrow a word from *As You Like It*) round, a pupil ‘urbanely illiterate’ to use a Davis phrase. The city is so filled with interesting things that one does not notice them all. I am deeply ashamed to record that it was only the other day that I noticed the baroque flourishes on Hawskmoor’s neo-Gothic towers in All Souls. And years after first knowing Oxford I overheard a small child in a tourist family pointing out the

elephant on top of what was the Indian Institute. Which I had never noticed.



The elephant on the top of what was the Indian Institute

How many people notice the angel holding the single cell on the main doorway to the Natural History Museum?



John Hungerford Pollen (1820-1902). The Portal of the Oxford Museum (not fully realised).



The Portal of the Oxford Museum. The angel holding the Bible and the cell. (Photograph by Bernard Richards)

We tend to think of the visual world as static, especially when encountered in the illustrated book, and so far as buildings are concerned that comment that architecture is frozen music seems appropriate. Made by either Goethe or Schelling or both. However Davis spends a good deal of time considering the kinetic experience of wandering round Oxford, as buildings gradually reveal themselves. The classic sequence is to walk from the King’s Arms to Radcliffe Square and see the unfolding vision of the cube (the Bodleian), the sphere (the Radcliffe Camera) and the cone (St Mary’s). It is at this point that seeing is supplemented by touch and more physical awareness than simply sight. It is beautifully put in a Hopkins ‘To Oxford’ (which Davis does not cite):

*Thus, I come underneath this chapel-side,
So that the mason’s levels, courses, all
The vigorous horizontals, each way fall
In bows above my head, as falsified
By visual compulsion, till I hide
The steep-up roof at last behind the small
Eclipsing parapet; yet above the wall
The sumptuous ridge-crest leave to poise
and ride.
None besides me this bye-ways beauty try.
Or if they try it, I am happier then:
The shapen flags and drilled holes of sky,
Just seen, may be to many unknown men
The one peculiar of their pleased eye,
And I have only set the same to pen.*

Those bows occur because although one knows with one’s intellect that the courses are straight, when looked at close they curve: upwards below eye-level and downwards above eye-level.

In another Oxford poem Hopkins recalls the medieval scholar Duns Scotus, who formulated a philosophy of haecceitas (thisness) and ‘fired France for Mary without spot.’ In this poem sound comes in to fill out the experience: ‘cuckoo-echoing, bell-swarmèd, lark-charmèd, rook-racked.’

Many Oxford experiences will be ephemeral, and all the more valuable for that. What can be more transient than a transforming fall of snow?



Bicycles in Radcliffe Square February 2007 (Photograph by Bernard Richards)

When I was a don I use to take the undergraduates on Nature Walks, armed with Xeroxed copies from Hopkins's diaries. More than a century after he had noted that in the Magdalen meadow the buttercups throw out the distant trees to 'finer distance' we would see that confirmed, with descendants of the flowers. He loved whatever was 'counter, original, spare, strange.' Later in the year the snakes' head fritillaries would come out in the meadow, for which Davis provides an illustration.



Ian Davis. *Snakes' head fritillaries*

Walter Pater writes about them in 'Emerald Uthwart':

'Snakes' heads, the rude call them, for their shape, scale-marked too, and in colour like rusted blood, as if they grew from some forgotten battle-field, the bodies, the rotten armour—yet delicate, beautiful, waving proudly. In truth the memory of Oxford made almost everything he saw after it seem vulgar.'

So far as the multiple little streams in Oxford, has anyone put it better than Keats: 'more in number than your eyelashes'? The place is all so rich, as Yeats wrote in a letter to Kathleen Tynan: 'I wonder anybody does anything in Oxford but dream and remember, the place is so beautiful that one almost expects the people to sing instead of speaking. It is all like an opera.' (1888). Still he got some done and wrote 'All Souls Night' in his lodgings in Broad Street – the best poem ever written in Oxford. A year later he wrote:

'This is a most beautiful country, about here – I walked sixteen miles on Sunday – going to the places in Matthew Arnold's poems – the ford in 'the Scholar Gipsy' being furthest away and most interesting. How very unlike Ireland the whole place is – like a foreign land (as it is). One understands (a long S, I notice, has got in here out of the book I am copying) English poetry more from seeing a place like this. I only felt at home once – when I came to a steep lane with a stream in the middle. The

rest one noticed with a foreign eye, picking out the strange and not as in one's own country the familiar things for interest – the fault by the way of all poetry about countries not the writers own.'

Even readers who think they know Oxford very well will find plenty to surprise in this hefty book. I didn't know about the stone books supporting the pediment over the entrance to door to the library of St. Edmund Hall (although the ever-assiduous Pevsner did notice them), and I'm ashamed to say I have never paid particular attention to the beautiful medieval door to the Hall of Merton College. Really curious are the Delhi capitals designed by Edwin Lutyens for Campion Hall (which Pevsner does not note), not known to me.



Edwin Lutyens. *The Delhi Capitals. Campion Hall*

One of the charms of older architecture, lamentably missing in most contemporary buildings, is detail, and Davis's sharp eye picks examples, such as the lock and handle of the Oxford Museum.



Ian Davis, *The door-lock and handle of the Oxford Museum*

Davis does not confine himself to his own experiences, he records those of others, whose affection for Oxford has been expressed and published. Hardy's Jude Fawley is a good case. He has a tactile sense of the city, and, as a mason, knows how the stones were carved. In addition he has the historical perspective, and on his first evening in the city thinks about its previous distinguished denizens, Addison, Gibbon, Thomas Ken, John Keble, Newman Swinburne and Arnold. The experience is multi-depthed. There is vivid evocation in Pater's 'Emerald Uthwart' (not cited by Davis):

'On summer nights the scent of the hay, the wild-flowers, comes across the narrow fringe of town to right and left; seems to come from beyond the Oxford meadows, with sensitive, half-repellent thoughts from the gardens at home. He looks down upon the green square with the slim, quaint, black, young figures that cross it on the way to chapel on yellow Sunday mornings, or upwards to the dome, the spire; can watch them closely in freakish moonlight, or flickering softly by an occasional bonfire in the quadrangle behind him.'

The bonfires were lit in the quads on 5 November. This explains why the colleges possess less antique furniture than one might expect. Apparently when Field Marshall Haigh visited Brasenose on that day a specially prepared faggot was given to him to add to the flames. Uthwart observes 'when you look close the very stone is a composite of minute dead bodies'.

Experiencing Oxford pays tribute to evanescent experiences a number of times, of which the most engaging is the picture of the entrance to Corpus Christi College, with a girl (almost identifiable) reading a letter from a boyfriend, possibly. Now she would be reading a text on a smart-phone.



Ian Davis, *Entrance to Corpus Christi College (1993).*

There are negative elements to be recognised, and Davis provides generous space for quotations from William Morris, who deplored what had happened to Oxford in his life-time: 'When I remember the contrast between the Oxford of to-day and the Oxford which I first saw thirty years ago, I wonder I can face the misery (there is no other word for it) of visiting it.' In the Brasenose College archive there is a letter from him of March 1887, at the time when the High Street Front was being mooted. This was an impressive T.G. Jackson effort.

'So I will say that in my opinion it would be a mistake to build the tower in question: and the grounds for my opinion are that considering the historical value of what is left of Old

Oxford and also the sentiment which cleaves to it, those who have any share in the guardianship of its history and antiquity, should build as little as possible, should consider it a misfortune when they are forced to build; and also that when forced to build, they should make their building as modest and unpretentious as possible; chiefly taking care that the materials used should be harmonious with the old buildings.'

An early photograph by Henry Fox Talbot (1800-1877) of the picturesque vernacular buildings demolished by Brasenose College survives.



Henry Fox Talbot: *Brasenose Buildings on The High* (1840s).

Fortunately Jackson was prevented by the College from erecting an OTT structure resembling the spire of St Giles Cathedral in Edinburgh. This would have gravely compromised the effect of the High Street.



T.G. Jackson. *Proposed Tower for Brasenose College, High Street Front.*

Jackson did not get his wicked way either when Christ Church built its new bell tower. A drawing of his shows what it would have looked like from Tom Quad. Just awful, and out of scale.



T. G. Jackson. *Proposed Bell Tower, Christ Church.*

Another picturesque set of buildings were replaced by the Rhodes Building at Oriel. One of the shops was an ecclesiastical warehouse, and it's possible that Hardy's Sue Bridehead in *Jude the Obscure* worked there – insofar as a fictional character can occupy a real building.



Oriel College buildings before the Rhodes Building erected

The Examination Schools may be fine, but there were casualties as buildings were destroyed to make way for them.

Davis is positive about some new buildings, especially the New College one, designed by David Kohn. He approves of bravura.



David Kohn. *New building for New College*

But he lets off an explosion of anger at the Port Meadow buildings. They are offensive in so many ways, not the least of which is the relentless and unmerciful regularity. He is all for innovation, but this comes with risks. Keble College is an example, which Wilde listed as one of the things to regret – along with the trams. Merton showed some courage in letting William Butterfield loose on a site overlooking Christ Church Meadow – the Grove Building. But then it thought again, and got Thomas Harold Hughes to transform it into the likeness of a pub in the 1930s.



William Butterfield. *The Grove Building, Merton College. Photograph by Henry Taunt* (1885)

Davis does not stay away from controversy. A dominant one at the moment is what to do about the guilty past? Rhodes, Codrington etc. The best thing, perhaps, is to recognise that all money is tainted, and very little has not been the result, as Ben Jonson put it in 'To Penshurst', of 'no man's ruin, no man's groan'. Perhaps one is better advised to consider how much exploitation is involved now in the manufacture of one's designer sneakers.

Davis is also much concerned, rightly, about the lack of housing in Oxford. And there is the traffic problem, which has rumbled on for decades. It comes as a surprise that Thomas Sharp, who could be sensitive and observant, favoured the Meadow Road, as did the Master of University College, Sir Michael Sadler. He, after all, was a kind of aesthete, who translated Kandinsky. There was a controversy at the end of the nineteenth century about the electrification of the trams, prompting this cartoon, in which Wordsworth looks down from Queen's College, above a quotation from his sonnet 'Oxford, May 30, 1820': 'The stream-like winding of that glorious street.'



Proposal for electrified trams in The High. Wordsworth top right. City councillors on the tram. The bearded figures on the left, Dr James Bright (Master of University College), is saying 'Johnnie, I shall have to build another bridge',

referring to the bridge built over Logic Lane in 1903 to link the Durham Building to the older parts of the college.

I wonder if anyone proposed stream trams, which existed in nearby Wantage, in Birmingham and in my home-town Dudley? Its true that they could be very noisy and polluting. The fact remains that the co-existence of a pleasant city and one which is progressive and developing is more or less irreconcilable.

Like Patrick McGuinness in *Real Oxford* (reviewed *Oxford Magazine*, No. 437) Davis does not overlook Oxford away from the 'lions'. The canal has caught the attention of a number of writers, principally James Elroy Flecker in the splendid poem 'Oxford Canal'. Davis does not mention it, but there is also a powerful evocation in Chapter 5 of Larkin's *Jill*, when John Kemp is walking by the canal:

'Because of the nearness of the coal yards and the telephone wires and dirty water, he did not think it beautiful at first. But something about it fascinated him. And as he watched an express train hurtled past twenty yards off on the shining rails, and the long stretch of coaches racing away awakened nothing like regret in him, as they once would. He was glad to see them go: glad, simply to be where he was, and to see them go.'

The scene has an epiphanic vividness, with the coaches representing the excitement of being elsewhere, but Kemp is content to be static, and to register the peculiar, even if banal beauty.

The trick of representing any scene is to get an unusual angle on it. This John Piper photograph from Queen's College startles one with its unfamiliar angle.



John Piper. View of The High from the roof of Queen's College

Davis has an excellent water-colour of a

view from north of Radcliffe Square. I can't quite place where it's from.



Ian Davis, *Radcliffe Square Skyline* (1988)

Someone should do a book like this for Cambridge. And where taste is concerned the compiler would get off to a very good start, because there is the classic description in Virginia Woolf's *A Room of One's Own* of the difference between a sybaritic luncheon in a men's college and a dinner in a women's college. First the luncheon in Dadie Rylands' rooms in King's College (not named):

'The lunch on this occasion began with soles, sunk in a deep dish, over which the college cook had spread a counterpane of the whitest cream, save that it was branded here and there with brown spots like the spots on the flanks of a doe. After that came the partridges, but if this suggests a couple of bald, brown birds on a plate you are mistaken. The partridges, many and various, came with all their retinue of sauces and salads, the sharp and the sweet, each in its order; their potatoes, thin as coins but not so hard; their sprouts, foliated as rose-buds but more succulent. And no sooner had the roast and its retinue been done with than the silent serving-man, the Beadle himself perhaps in a milder manifestation, set before us, wreathed in napkins, a confection which rose all sugar from the waves. To call it pudding and so relate it to rice and tapioca would be an insult. Meanwhile the wineglasses had flushed yellow and flushed crimson; had been emptied; had been filled. And thus by degrees was lit, half-way down the spine, which is the seat of the soul, not that hard little electric light which we call brilliance, as it pops in and out upon our lips, but the more profound, subtle and subterranean glow which is the rich yellow flame of rational intercourse. No need to hurry. No need to sparkle. No need to be anybody but oneself. We are all going to heaven and Vandyck is of the company [Gainsborough's last words]—in other words, how good life seemed, how sweet its rewards, how trivial this grudge or that grievance, how admirable friendship and the society of one's kind, as, lighting a good cigarette, one sunk among the cushions in the window-seat.'

Now the dinner in the fictional Fernham College:

'Dinner was being served in the great dining-hall. Far from being spring it was in fact an evening in October. Everybody was assembled in the big dining-room. Dinner was ready. Here was the soup. It was a plain gravy soup. There was nothing to stir the fancy in that. One could have seen through the transparent liquid any pattern that there might have been on the plate itself. But there was no pattern. The plate was plain. Next came

beef with its attendant greens and potatoes – a homely trinity, suggesting the rumps of cattle in a muddy market, and sprouts curled and yellowed at the edge, and bargaining and cheapening, and women with string bags on Monday morning. There was no reason to complain of human nature's daily food, seeing that the supply was sufficient and coal-miners doubtless were sitting down to less. Prunes and custard followed. And if anyone complains that prunes, even when mitigated by custard, are an uncharitable vegetable (fruit they are not) [Woolf is wrong here; they are certainly fruit], stringy as a miser's heart and exuding a fluid such as might run in misers' veins who have denied themselves wine and warmth for eighty years and yet not given to the poor, he should reflect that there are people whose charity embraces even the prune. Biscuits and cheese came next, and here the water-jug was liberally passed round, for it is the nature of biscuits to be dry, and these were biscuits to the core. That was all. The meal was over.'

There's plenty to celebrate in Cambridge. It doesn't have anything as good as Radcliffe Square – but it does have the Backs – which we have not.

Experiencing Oxford, Second Edition retails in shops for £30.00. However, it is available to Faculty Members, Students and Alumni of the University of Oxford and Oxford Brookes University at a discounted rate of £25.00, plus £5.00 for postage within the UK. The book may be purchased through the website: www.ian-robertdavis.com or via Amazon.

BERNARD RICHARDS

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